

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

WILTECH TECHNOLOGY, INC., et al.,

Plaintiffs,

v.

No. CV 20-975 JAP/CG

OSWALD WILSON, et al.,

Defendants.

ORDER DENYING DEFENDANT VILLAGE OF LOS LUNAS'S MOTION TO DISMISS

THIS MATTER is before the Court on Defendant Village of Los Lunas, New Mexico (the "Village")'s *Motion to Dismiss Defendant Village of Los Lunas, New Mexico* (the "Motion"), (Doc. 25), filed April 2, 2021. In the Motion, the Village asks the Court to dismiss it as a party in this action, because "it has met its obligation of payment in this matter" by "deposit[ing] in the Registry of the Court . . . all outstanding amounts due," and thus "there are no further issues outstanding herein against it." *Id.* at 1. The Village explains that Plaintiff "concurs in this Motion," and that it has "sought the concurrence of Defendants Wilson and Wiltech Energy, LLC who have not indicated whether they concur/do not concur in this Motion." *Id.*

The Local Rules of Civil Procedure for the District of New Mexico require a "[m]ovant [to] determine whether a motion is opposed, and a motion that omits recitation of a good-faith request for concurrence may be summarily denied." D.N.M.LR-Civ. 7.1(a). The Village indicates in the Motion that it sought Defendants Wilson and Wiltech Energy, LLC's position on the Motion, but the Village fails to adequately detail its good-faith efforts. Therefore, the Court will deny the Motion without prejudice.

IT IS THEREFORE ORDERED that Defendant Village of Los Lunas, New

Mexico's *Motion to Dismiss Defendant Village of Los Lunas, New Mexico*, (Doc. 25), **IS DENIED WITHOUT PREJUDICE.**

IT IS FURTHER ORDERED that Defendant Village of Los Lunas, New Mexico may refile its Motion, detailing its good-faith efforts to obtain concurrence from Defendants Wilson and Wiltech Energy, LLC, in accordance with D.N.M. LR-Civ 7.1(a).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a long horizontal line extending to the right.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE